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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,274	06/27/2001	Marcellino Tanumihardja	360044.401	5243

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EXAMINER

POINVIL, FRANTZY

ART UNIT PAPER NUMBER

3628

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/894,274

Applicant(s)

TANUMIHARDJA ET AL.

Examiner

Frantzy Poinvil

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>9/24/01</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 23 is rejected under 35 U.S.C. 112, first paragraph, as directed to a single means claim.

Claim 23 merely recites a single means in a system for performing the claimed function in a system. It is unclear as to how such is accomplished.

A single means claim, i.e., where a means recitation does not appear in combination with another recited element of means, is subject to an undue breadth rejection under 35 U.S.C. 112, first paragraph. *In re Hyatt*, 708 F.2d 712, 714-715, 218 USPQ 195, 197 (Fed. Cir. 1983) (A single means claim which covered every conceivable means for achieving the stated purpose was held nonenabling for the scope of the claim because the specification disclosed at most only those means known to the inventor.).

2. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 3628

Claim 1 recites a method that performs a single function. It is unclear how a method merely recites a single step. Applicant is reminded that a method claim should recite a series of discrete steps for performing claimed functions.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-20, 23-42 and 45 are rejected under 35 U.S.C. 102(e) as being anticipated by Joao et al (US Patent No. 6,529,725).

As per claims 1-20 and 23-42, Joao et al teach all the claimed features. Joao et al teach a system and method for authorizing a financial transaction at a point of sales or at a remote location. Applicant is directed to the abstract. The system and method comprise means and step of authorizing at least one payment transaction (for credit card, debit card and checking transactions) wherein the authorization is effected near real time by user input to a computational entity through a wireless device. Applicant is directed to column 3, line 65 to column 5, line 55. Both the wireless device and the computational entity accept voice data and alphanumeric user input data. Note column 6, line 48 to column 7, line 48 and column 10, lines 30-67. The system and method further comprise

Art Unit: 3628

steps or means for accepting user input that activates a profile containing pre-stored financial data, pre-stored credit, debit card and check handling information data. See column 7, lines 41-67 and column 11, lines 20-55. The authorization is effected by user input to a computational entity through a wireless device in response to a presentation of a message through the wireless device. See column 7, lines 8-32 and column 10, lines 31-67. The wireless device includes a visual presentation device and an audio presentation device. Note column 10, lines 31-67. The price is also presented through the wireless device. See column 6, lines 23-47.

As per claim 45, Joao et al disclose all the claimed features. Joao et al disclose a system of tracking a financial transaction and circuitry for authorization at least one payment transaction wherein the authorization is effected by user input to a computational entity through a wireless device and the circuitry is selected from an electrical-circuitry group. Applicant is directed to column 4, line 48 to column 10, line 67.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3628

Claims 21-22 and 43-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao et al (US Patent No. 6,529,725).

As per claims 21 and 43, the teachings of Joao et al are discussed above. Joao et al do not explicitly teach the step of presenting the price being in conjunction with at least one message-structure item comprises all the recited items. Joao et al teach the price and transaction information are presented and a reply is expected from the user. The Examiner submits that in the system of Joao et al, a plurality of financial transactions is effected and a message is transmitted to the user wherein the message is a visual, text or audio message. As per the specific types of items being claimed, the Examiner notes that such do not affect the functioning of the system of Joao et al as such are only types of data relevant to a type of financial transactions. Thus, the Examiner submits that no patentable differences exist. Incorporating such types of data in the system of Joao et al would have been obvious to one of ordinary skill in the art at the time of the invention in order to inform a client or user to submit a response related to an approval/denial of a given type of transactions.

As per claims 22 and 44, the teachings of Joao et al are discussed above. Joao et al do not explicitly teach the wireless device has a browser selected from the group that includes a WML capable browser, a CHTML capable browser, a Pocket IE HTML capable browser, a Palm Query Application capable browser and a voice XML capable browser. Joao et al teach that a plurality types of wireless devices may be used in their system. Note column 10, lines 3-14 and lines 42-67. Types of wireless devices having a browser capability are well known in the art at the time of applicant's invention. Joao et al further state communicating transaction data via the Internet. Note column 10, lines 3-

Art Unit: 3628

14. Incorporating a wireless device having a browser capability in the system of Joao et al would have been obvious to one of ordinary skill in the art at the time of the invention for instant communication purposes through the Internet so as to communicate transaction data to/from a client.


Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (703) 305-9779. The examiner can normally be reached on Monday-Thursday.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FP
September 29, 2004


FRANTZY POINVIL
PRIMARY EXAMINER
AU 3628